



W.P(MD)No.10510 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10510 of 2023

and

W.M.P(MD)Nos.9339 & 9341 of 2023

F.Asha Rositta

... Petitioner

Vs.

- 1.The Director of Elementary Education,
College Road, Chennai-06.
- 2.The Chief Educational Officer,
Kanyakumari District at Nagercoil.
- 3.The District Educational Officer (Elementary),
Kanyakumari District at Nagercoil.
- 4.The Block Educational Officer,
Thuckalay, Kanyakumari District.
- 5.The Correspondent,
RC Primary School,
Chemparuthivilai,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 3rd respondent District Educational Officer in Na.Ka.No.045/A4/2023, dated



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23.01.2023, quash the same and further direct the respondents to approve the appointment of petitioner as Secondary Grade teacher in the 5th respondent school from 12.04.2012 to 27.07.2014 and disburse grant-in-aid towards her salary and all other monetary benefits.

For Petitioner : Mr.S.Xavier Rajini

For R1 - R4 : Mr.D.Sadiq Raja
Additional Government Pleader

For R5 : No Appearance

ORDER

The present writ petition has been filed by a Secondary Grade Teacher appointed in the 5th respondent school, challenging the order passed by the 3rd respondent herein, wherein the approval of the petitioner was not granted from the date of initial appointment but it was granted only from 28.07.2014.

2. According to the petitioner, she was appointed as a Secondary Grade Teacher in the 5th respondent school on 12.04.2012. The said 5th respondent school is admittedly a minority school run by a corporate management. The petitioner thereafter has passed TET examination in the year 2013. When the proposal was sent for approval, the authorities



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have chosen to approve the appointment from 28.07.2014. The petitioner has given a representation to the authorities seeking approval from the initial date of appointment. Since the said request was not considered, the petitioner had filed W.P(MD)No.27215 of 2022 seeking a Mandamus to approve the appointment from 12.04.2012. This Court by an order, dated 01.12.2022, has passed an order directing the District Educational Officer to consider the representation of the petitioner and pass orders.

3. In compliance with the orders of this Court, the 3rd respondent has passed the present impugned order sticking to his original position, namely granting approval only from 28.07.2014 primarily on the ground that the petitioner had passed TET only in the year 2013. This order is under challenge in the present writ petition.

4. The impugned order has been passed granting approval from 28.07.2014 primarily on the ground that the petitioner was not qualified with TET on the date of her appointment. Considering the fact that the petitioner has been appointed to a minority institution, in the light of the judgment of Division Bench of this Court in ***W.A(MD)No.313 of 2022 and batch (The Director of School Education & Others Vs.***



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M.Velayutham & Another), this Court is of the view that TET is not mandatory for being appointed as a Teacher in a minority institution as of now.

5. In view of the above said deliberations, the order impugned in the writ petition is set aside. The 3rd respondent is directed to grant approval to the appointment of the writ petitioner as Secondary Grade Teacher with effect from 12.04.2012 with all attendant monetary benefits. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.10510 of 2023

Dated:
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